

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii

REF:OCCL:DH

ENF: MA-08-12

May 9, 2008

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: Enforcement File No. MA-08-12
Regarding Alleged, Unauthorized Improvements on State-owned Land (Placement of Concrete, Quickcrete, Cables from the Shore to Rocks Offshore, Rope Attached to the Cliff with Anchor Points, Manmade Cuts into the Cliff, Cemented Stones) - Located Makai of Subject Parcel TMK: (2) 2-8-004:032

BY: Frederick Honig, 655 Haunama Road, Haiku, Hawaii, 96768

LAND OWNERSHIP: State of Hawaii, Department of Land and Natural Resources

TMK: Located Makai of (2) 2-8-004:032

AREA OF USE: 90 to 100 Linear Feet

AREA OF PARCEL: Unknown – Land Runs Along Coastline

LOCATION: Haiku District, Island of Maui

SUBZONE: Limited

DESCRIPTION OF AREA:

The alleged, unauthorized improvements are located makai of subject parcel TMK: (2) 2-8-004:032 (which is located in the State Land Use (SLU) Agricultural District). The state-owned land is located at the “top of pali” downward to the ocean, and is located in the Conservation District, Limited Subzone (**Exhibits 1, 2 & 3**).

ALLEGED UNAUTHORIZED LAND USES:

On November 7, 2007, Department of Land and Natural Resources' (DLNR), Maui District Land Office staff, Larry Pacheco, conducted a site inspection of the state-owned land and transmitted the findings to the Office of Conservation and Coastal Lands (OCCL) (**Exhibit 4**).

On January 30, 2008, OCCL staff contacted Mr. Honig via telephone, and asked him if he had plans to remove the alleged, unauthorized uses.

On February 5, 2008, the OCCL sent Mr. Honig a Cease and Desist Notice (**Exhibit 5**).

On February 12, 2008, Mr. Honig sent a letter to the DLNR with documents stating his right of access (**Exhibit 6**).

The alleged, unauthorized placement of concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, cemented stones is considered a land use that occurred in the Conservation District without a permit, and is the subject of the staff report.

REFERRAL OF ALLEGED VIOLATIONS TO THE LAND BOARD RATHER THAN THE HEARING OFFICER/ADMINISTRATIVE PENALTY SYSTEM (HOAPS):

The alleged violation has been referred to the BLNR rather than HOAPS because of the seriousness of the violations¹. Due to the extensive nature of the improvements to the state-owned land, staff determined that the violation must be referred to the BLNR as a Level I violation.

RESOLUTION OF UNAUTHORIZED LAND USES:

Conservation District

Chapter 13-5, Hawaii Administrative Rules (HAR) and Chapter 183C, Hawaii Revised Statutes (HRS), regulate land uses in the Conservation District by identifying a list of uses that may be allowed by Conservation District Use Permit. The chapters also provide for penalties, collection of administrative costs, costs associated with land and/or habitat restoration, and damages to state land for uses that are not allowed or for which no permit has been obtained. Chapter 13-5, HAR defines "land use" in part as: the placement or erection of any solid material on land or the grading, removing or dredging of any material or natural resource on land.

The alleged, unauthorized placement of concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, and cemented stones in the Conservation District is considered a land use that occurred in the Conservation District

¹ HOAPS distinguishes between Level I and Level II violations, the former being the more serious category which is referred to the Board, and the latter, minor violations, referred to HOAPS.

without a permit, and therefore allegedly violates the above chapters. This report seeks conditions to resolve the Conservation District violations. Pursuant to Chapter 183C, HRS, the maximum fine for a Conservation District violation is \$2,000 per violation in addition to administrative costs, costs associated with the land and/or habitat restoration, if required, and damages to state land. After written or verbal notification from the Department, willful violation of this section may incur an additional fine of up to \$2,000 per day per violation for each day the violation persists

DISCUSSION:

Staff notes that MDLO and OCCL are working concurrently on this issue. The improvements are located in the Conservation District from the "top of pali" to the ocean, pursuant to the letter to Mr. Honig on September 4, 2002. The MDLO is involved because the area is considered state-owned land located makai of Subject Parcel TMK: (2) 2-8-004:032.

Staff notes Mr. Honig may have had good intentions in providing access to the ocean with the unauthorized land use improvements. However, there are several concerns regarding encroachment, terrain and topography, and liability. The MDLO has indicated the improvements would be considered an encroachment. Due to the steep terrain and topography MDLO would not want to provide a Right-of-Entry to Mr. Honig to keep the improvements (concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, cemented stones).

Staff also notes the area is located in the Conservation District, Limited Subzone; where the objective of the limited subzone is to "limit uses where natural conditions suggest constraints in human activities."²

Regarding Mr. Honig's claim to the issue of "right of access" staff had Na Ala Hele staff check the LCA # 5511; nothing provides Mr. Honig the right to erect anything on the state parcel. Further Na Ala Hele submitted a memorandum to the OCCL, dated February 28, 2008, that translates LCA # 5511 – nothing allows for access across the state-owned land. Lastly, there is no state-owned trail that connects anywhere near that area³ (**Exhibit 7**).

Staff notes even if there are access rights they would not constitute the right to make improvements: placement of concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, and cemented stones, without the department's approval.

2 Hawaii Administrative Rules (HAR) 13-5-12(a) notes the limited subzone shall encompass: 1) Land susceptible to floods and soil erosion, lands undergoing major erosion damage and requiring corrective attention by the county, state, or federal governments; and 2) Lands necessary for the protection of the health, safety, and welfare of the public by reason of the land's susceptibility to inundation by tsunamis, flooding, volcanic activity or landslides, or which have a general slope of forth percent or more.

3 Staff notes a deed was filed regarding a trail through a cliff side lot in Hale Pili subdivision for a trail that zigzags down to the coastline; it's a fisherman's trail that is not maintained nor claimed by the state.

Staff recommends to the Board of Land and Natural Resources (BLNR) that the area should be restored back to its original condition subject Maui District Land Office approval; the concrete and Quickcrete, cables, ropes, anchor points should be removed. There is not much the alleged can do regarding the manmade cuts into the cliff, except to let the vegetation, if any, regrow in the area. Staff notes either the OCCL and/or the MDLO should conduct a site visit of the area within 90 days from the date of the BLNR meeting to ensure the unauthorized uses have been removed.

Staff recommends to the BLNR that Mr. Honig should be fined \$2,000 for the violation: total fine **\$2,000.00**. Staff recommends to the BLNR that Mr. Honig be fined an additional **\$500.00** for administrative costs associated with the subject violation (\$250.00 OCCL staff/\$250.00 MDLO staff).

This submittal and notice of the Board's meeting will be sent to the landowner by certified mail to the address of record in Hawaii.

FINDINGS:

1. That Mr. Honig did in fact, authorize, cause or allow an unauthorized land use (concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, cemented stones), and is considered a land use that occurred in the Conservation District) to occur;
2. That the unauthorized land use is of a serious nature;
3. That the land use occurred within the State Land Use Conservation District, Limited subzone; and
4. That Mr. Honig was aware of the location of Conservation District boundaries.

AS SUCH, STAFF RECOMMENDS AS FOLLOWS:

That, pursuant to Chapter 183C, Hawaii Revised Statutes (HRS), the Board find Mr. Frederick Hong in violation of Chapter 183C HRS and Chapter 13-5, Hawaii Administrative Rules (HAR), and is subject to the following:

1. That Mr. Honig violated the provisions of Chapter 183C, Hawaii Revised Statutes (HRS), and Chapter 13-5, Hawaii Administrative Rules (HAR), in one instance by failing to obtain the appropriate approval for alleged, unauthorized trail concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, cemented stones, within the Conservation District. Mr. Honig is fined a total of **\$2,000.00** for one Conservation District violation;

2. That Mr. Honig be fined an additional **\$500.00** for administrative costs associated with the subject violations (\$250.00 OCCL staff/\$250.00 MDLO staff); total fine \$2,500.00;
3. That Mr. Honig will restore the area back to its original condition subject to the Maui District Land Office approval; the concrete and Quickcrete, cables, ropes, anchor points should be removed;
4. That Mr. Honig shall pay all fines (**total \$2,500.00**) within thirty (30) days of the date of the Board of Land and Natural Resources' action;
5. That either the OCCL and/or the MDLO staff will conduct a site visit of the area within 90 days from the date of the BLNR meeting;
6. That no further work shall occur on the subject parcel within the Conservation District, without the Board of Land and Natural Resources' approval; Chairman's approval and/or OCCL approval. If further work occurs in the Conservation District without approval; the Mr. Honig may be fined an additional \$2,000 a day;
7. That in the event of failure of Mr. Honig to comply with any order herein, he shall be fined an additional \$2,000 per day until the order is complied with; and
8. That in the event of failure of Mr. Honig to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Respectfully submitted,



Dawn T. Hegger,
Senior Staff Planner

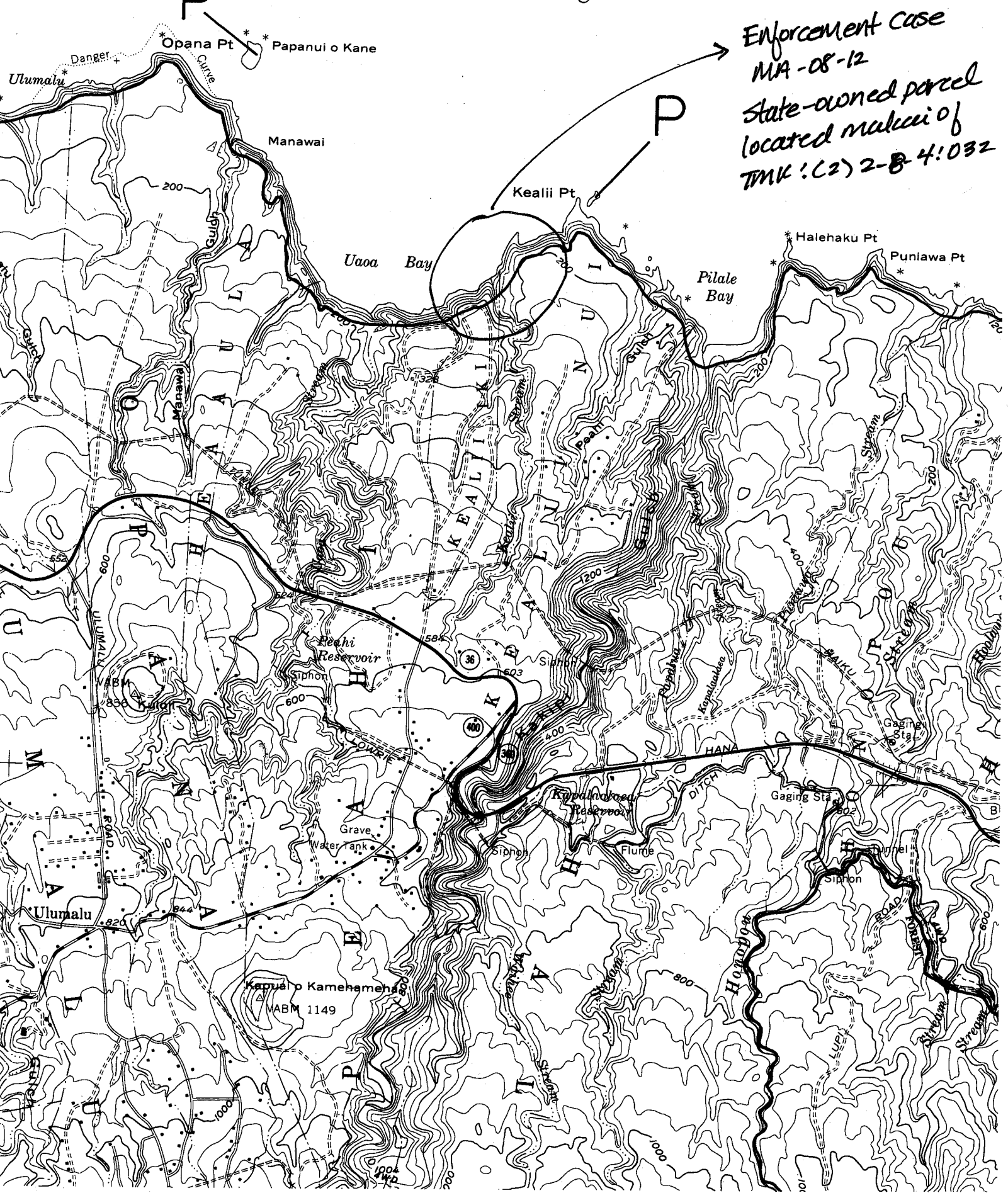
Approved for submittal:



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

[illegible]

EXHIBIT 1



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

INSPECTION REPORT FOR VACANT PROPERTY

TAX MAP KEY: Seaward of (2) 2-8-004:032

Inspection date: 11/7/07 Inspection time: 12:05 p.m.

1. Explain the physical condition including any improvements (ie grass overgrown, wiliwili trees, abandon vehicles, clogged concrete lined ditch, broken chain link fence, etc.): On 11/7/07 at 12:05 p.m., per the request of property owner Fredrick Honig, I conducted a site inspection of State lands seaward of his private property. Mr. Honig requested a check of a cement and rock stairway that traverses down a cliff approximately 90 to 100 feet in height from the seaward edge of his property to the shoreline below. He also stated that he had used Quickcrete to repair the stairs and to stabilize boulders along the shoreline to a point where he could access into the ocean water. At his ocean access point he stated that he had placed two plastic coated cables around a large partially exposed rock within the water and wrapped the other ends around a large boulder up on the shoreline. Mr. Honig indicated that he and the public used these cables to hang onto while walking over the slippery rocks along the shoreline when entering and exiting the water.

During my inspection, I climbed down the narrow path with the assistance of a rope that ran the length of the stairway, which was secured to the cliff face at multiple anchor points along the way. The stairway appeared to be constructed of both manmade cuts into the cliff and cemented stones. At the base or bottom of the stairway I observed more stones from the shoreline stacked and cemented in place. I then followed a pathway from the base of the stairs, which consisted of boulders that were set and secured in place by Quickcrete. This pathway along the shoreline led to Mr. Honig's ocean access and exit point, which he claims is also utilized by local divers and fishermen who access the area for gathering purposes. The access system consists of a plastic coated cable that has been secured around two large boulders, one within the water and the second up on the shoreline. Per Mr. Honig, this was the safest site to enter into and exit the water and simply put the cables in place to make it even safer for everyone to use.

Please refer to the attached photograph report.

2. Is maintenance is required? (ie cut grass, tree removal, install government signs, etc.) It appears that the subject stairway along the cliff face, the cemented pathway along the shoreline and cables used to enter and exit the ocean water are situated within the Conservation District. I believe no approvals were ever granted for these improvements. Therefore, I am requesting that this inspection report be forwarded to the Office of Conservation and Coastal Lands for their review and determination on what actions should be taken with regards to this matter.

Please note the attached memo labeled Exhibit (A) that was provided by Mr. Honig describing the Conservation District boundary as following the "Top of Pali."

3. Completed by: Larry Pacheco

Date: _____

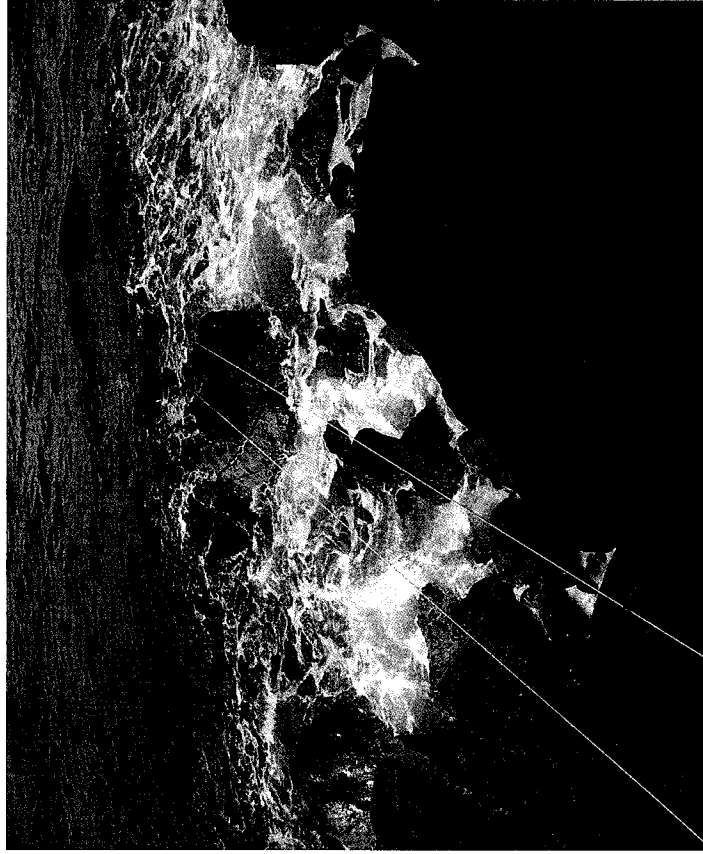
Reviewed by: _____

Enclosures: Photo report, TMK Map, Topographical Photo and State Land Use Commission Memo.

EXHIBIT **4**

Photos taken: 11-7-07

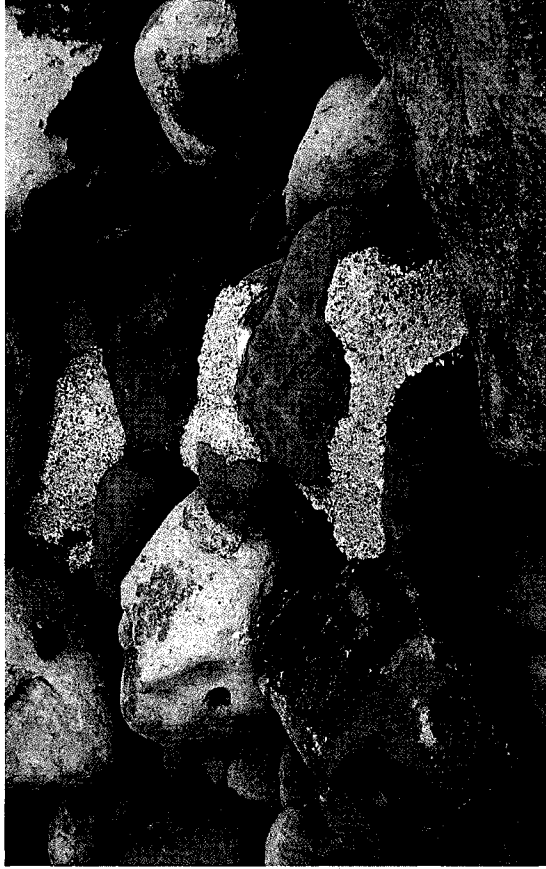
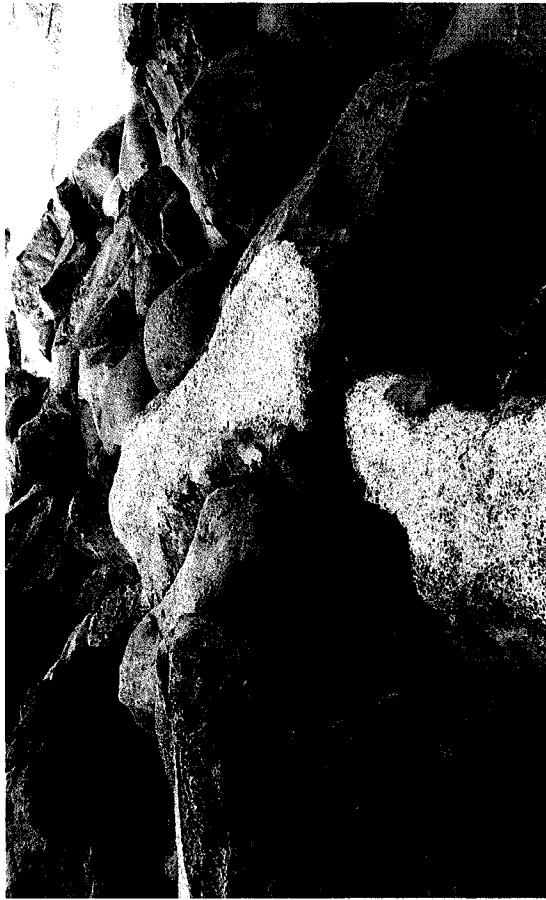
Honig



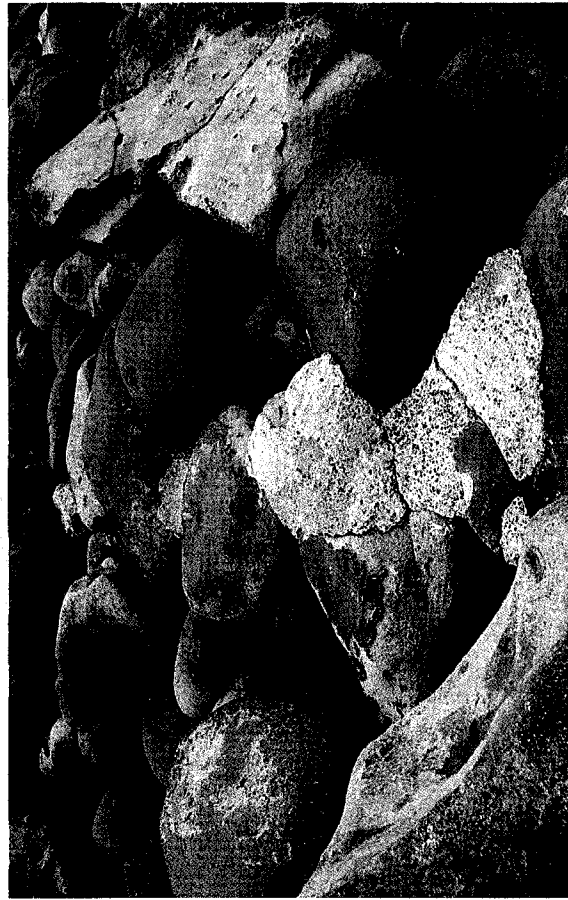
Photos depict plastic coated cables which are wrapped around a rock on the upper portion of the shoreline that extends down to a large partially exposed rock within the water. The cables have been pulled tight and is currently utilized by both Mr. Honig and the public to access and egress the ocean water. Per Mr. Honig this cables have been in place since the year 2003.

Photos taken: 11/7/07

Honig



All photos depict boulders that have been secured in place through the use of Quickcrete to create a walkway from the cliff stairway to the cables which are used to enter the ocean waters.



Photos taken: 11/7/07

Honig



Photos of stairway which runs from the top of cliff down to the shoreline below. Cliff side estimated to be 90 to 100 feet.

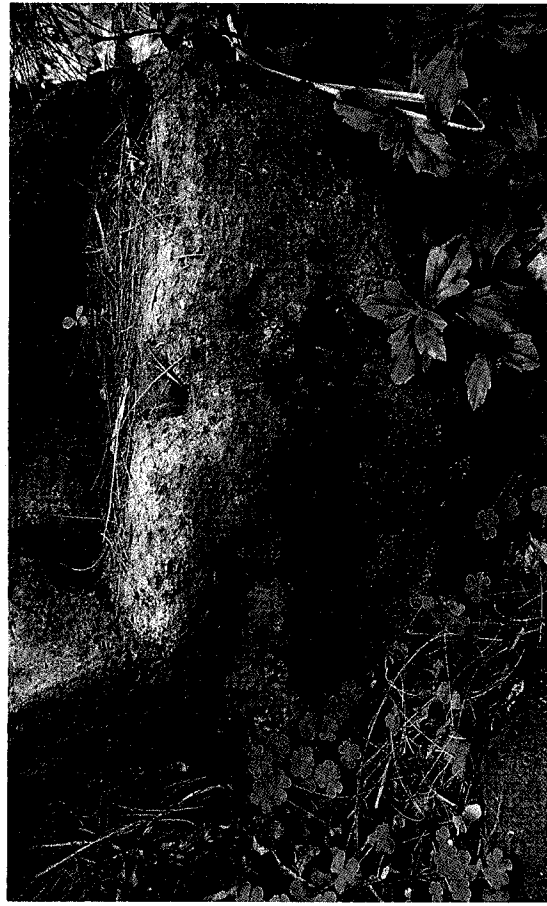
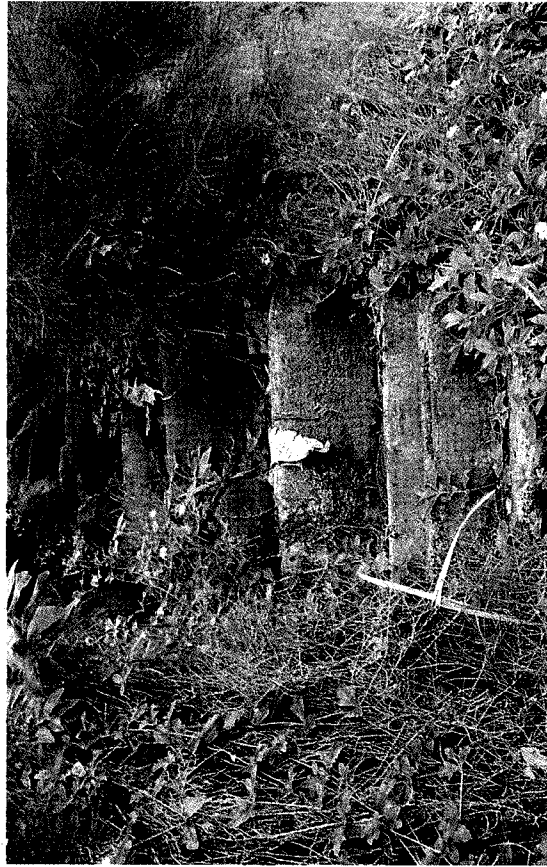


Photos taken: 11/7/07

Honig



Photo of areas throughout the subject stairway leading down the cliff side.



Photos taken: 11/7/07

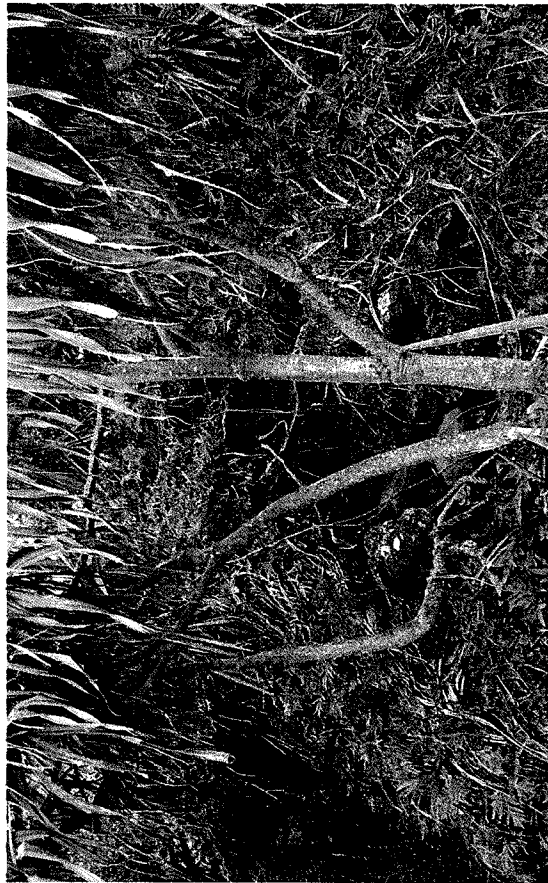
Honig



Hazardous condition sign posted along stairway.



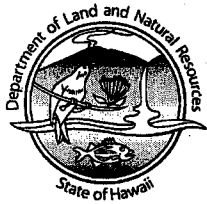
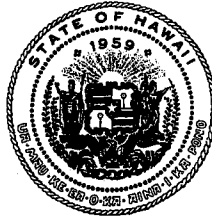
Upper portion of path leading to stairway.



Trail from adjacent property to the west, which is used by the public to get to the subject stairway that leads down to the shoreline.



LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:DH
CERTIFIED/RETURN RECEIPT
7004 0710 0003 9987 8299

NOTICE AND ORDER

Enforcement Case MA-08-12

FEB - 6 2008

Mr. Frederick Honig
655 Haunama Road
Haiku, Hawaii, 96768

SUBJECT: Enforcement File No. MA-08-12, Regarding Alleged, Unauthorized Concrete, Quickcrete, Cables from Shore to Rocks Offshore, Rope attached to the Cliff with Anchor Points, Manmade Cuts into the Cliff, Cemented Stones on State-owned Land Located Makai of Subject Parcel TMK: (2) 2-8-004:032

NOTICE IS HEREBY GIVEN that you are in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled "Conservation District" providing for land use within the Conservation District, enacted pursuant to Chapter 183C, Hawaii Revised Statutes (HRS).

We have determined that:

- 1) The state-owned subject property located makai of Subject Parcel TMK: (2) 2-8-004:032 is located in the Conservation District, Limited Subzone;
- 2) The following use was conducted on the subject premises: concrete, Quickcrete, cables from the shore to rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, cemented stones; and
- 3) This use was not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR or 183C, HRS.

YOU ARE HEREBY ORDERED TO CEASE any further activity on the subject premises. Should you fail to cease such illegal activity immediately, you will be subject to fines up to \$2,000 per day pursuant to Chapter 13-5, HAR, in addition to administrative costs incurred by the Department. Please contact Dawn Hegger of the Office of Conservation and Coastal Lands at 808-587-0380 to clear this matter.

By: *KawC Kawahara*
for LAURA H. THIELEN Chairperson
Board of Land and Natural Resources

c: DOCARE Maui
MDLO

EXHIBIT 5

Keali'i Nui Botanical Gardens

655 Haumana Rd.

Haiku, Maui, Hawaii 96708

Ph: 808-572-2300 Fax: 808-572-4600

DNRL

Fax 808 587 0322

Tuesday, February 12, 2008

Attn: Dawn Hegger

Dear Dawn,

Thank you for your help in resolving this issue

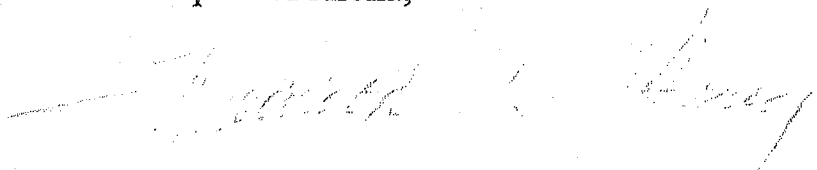
Enclosed are the documents stating our right of access to the shoreline.

I spoke today with our Archaeologist, Dr. Hallett H. Hammatt who would be willing to write you a letter stating that the work we did was in keeping with the maintenance and repair of the ancient trail that was there.

Please let me know if you need this letter.

Please let me know if you need any further information. And if it is still necessary to meet on March 3, 2008 .

In the Spirit of Aloha,



Fredrick R. Honig
Keali'i Nui Botanical Gardens



RECEIVED
STATE OF CONSERVATION
NATURAL RESOURCES
STATE OF HAWAII
2008 FEB 12 P 3:16

EXHIBIT 6

**AN ARCHAEOLOGICAL INVENTORY SURVEY FOR
AN 11.00-ACRE PARCEL IN THE HUI KUAI 'AINA O
PE'AHU PARTITION LOTS**

Keali'i Nui Ahupua'a, Makawao District, Island of Maui

TMK: (2) 2-8-04: 32

**Prepared for
Frederick R. Honig
Ke Ali'i Nui Botanical Gardens**

**Prepared by
Robert R. Hill, B.A.
Tom Devereux, B.A.
and
Hallett H. Hammatt, Ph.D**

**Cultural Surveys Hawai'i, Inc
Wailuku, HI.
(CSH Job Code: HAIK 6)**

February 2006

**O'ahu Office
P.O. Box 1114
Kailua, Hawai'i 96734
Ph.: (808) 262-9972
Fax: (808) 262-4950**

www.culturalsurveys.com

**Maui Office
16 S. Market Street, Suite 2N
Wailuku, Hawai'i 96793
Ph: (808) 242-9882
Fax: (808) 244-1994**

The earliest travelers to Hawaii noted the presence of sugar cane, plants which probably arrived with the early Polynesian settlers, and thus, widely distributed throughout the islands. G. W. Wilfong, an early sugar culture historian, attributed the profusion of sugar cane to the actions of Kamehameha I. Wilfong states that wild cane was planted in much unused land after the wars of Kamehameha I, in order that an abundance of food might be available for travelers (Wilfong 1882). Apparently, sugar cane was eaten in stick form. Writing in 1882, Wilfong described several small mills on Maui, as he observed them, beginning in 1849. (Wilfong managed the Hana Plantation Company in 1851, the Kohala Sugar Company in 1863, and the Wailuku Sugar Company in 1868).

3.1.3 Mid-1800s and the Great Māhele

In the early Post-Contact period, the *ahupua'a* of Keali'i Nui was controlled by the ruling chief of the Hāmākualoa Moku and was administered by lesser chiefs appointed by him. By decree of the Great Māhele in 1848, land titles were awarded to the *ali'i* (royalty). The *moku* of Hāmākualoa was awarded to Alexander Liholiho (King Kamehameha IV), Victoria Kamāmalu, sister of Alexander Liholiho, and Lot Kamehameha (King Kamehameha V).

Land Commission Awards (LCA's) were granted by ministers representing the Kingdom of Hawaii's Department of the Interior. Testimony to establish title to real property was recorded by Native Register -wherein claimants would provide traditional proof of ownership- and by Foreign Register -wherein boundary survey evidence would support traditional claims.

The project area of Parcel 32 of the East Maui Irrigation Company's Hui Kuai 'Aina o Pe'ahi is an intact Land Court Award, granted in 1848 as claim number 5511 (See Figure 6). The grant is comprised of a portion of the *moku* of Hāmākualoa, in the *ahupua'a* of Keali'inui, in the *'ili* (a subdivision of an *ahupua'a*) of Kaluaoaoa. LCA 5511 was located entirely within the boundary of the current project area, and illustrates a typical *'āpana* (land parcel) claimed under native tenant rights.

E. Kamaha claimed and was awarded LCA 5511, an *'āpana*, on January 24, 1848. A second claim for an additional *'āpana* was made subsequent to the granting of the first *'āpana*, and the property contained within the second claim was not awarded. The entire portion of the *'āpana* governed by the original claim, LCA 5511, was located within the present project area. In the Māhele Award documents, the *'āpana* was described as containing seven *lo'i* (taro patch), a *kula* (dry open land), a house lot, three plots for planting sweet potatoes (*mala*), and a right of access to the shoreline. The *'āpana* was located in the *'ili* of Kaluaoaoa, which was bounded thus:

[Bounded] *mauka* [toward the mountain] by Unukalea's land;

[Bounded] *Koolau* [east] by the *pali* [cliff boundary] of Peahi;

[Bounded] *makai* [seaward] by the sea shore;

[Bounded] *Wailuku* [west] by the *pali* [cliff boundary] of Kealii.

"Kaumakaowakea sworn, the Claimant's lands are of one piece in the *'ili* of Kaluaoaoa, *ahupua'a* of Keali'i. The Claimant received it from Imanuela in the year 1834. His title has never been disputed."

(Foreign Testimony vol. 08, pg. 99)

]*

Kamaha claimed that he received this land in Puanaia. "I hereby explain to you my claim for land in Kealii II, land of Puanaia. My land claim is at Kaluaoaoa. There are seven *lo'i pahu malo'o* [which translates as possibly a growth of wild, dry land taro], three dry, steep, sweet potato plantings and a house lot. Those are my claims for land". The *'ili* of Kaluaoaoa referred to in the above land description includes lands within Royal Patent 2912 (see below).

(Native Register vol. 06, pgs. 311-312)

According to Land Court records dated July 16, 1849, LCA 5511 was improved by the addition of Native Testimony as set down in vol. 5, pg. 476.

The proceedings were recorded thus: "Kaumakaowakea, sworn, Kamaha's land is in the *'ili* land of Kaluaoaoa of Keali'i Ahupua'a. Mamala gave this land in 1834, no objections."

There was an additional "metes and bounds" description of the lands being referenced in this Claim. The description recorded a spelling change of "Anakalea" instead of "Unukalea":

[Bounded] *mauka* [toward the mountain] by Anakalea;

[Bounded] *Koolau* [east] by the *pali* [cliff boundary] of Peahi;

[Bounded] *makai* [seaward] by the sea shore;

[Bounded] *Wailuku* [west] by the *pali* [cliff boundary] of Kealii.

(Award 5511; R.P. 2912; Kaluaoaoa Kealii Hamakualoa; 1 ap.; 9.95 Acs)

It is not clear when Kamaha's second claim was made. The claim identified the second claim as LCA 5511B, and described the claim as including an *'āpana* comprised of a paper mulberry tree (*wauke*) and two planting areas for sweet potatoes. Under the Native Register, volume 6, page 312 for LCA No. 5511B, the claim by Kamaha II reads, "Kamaha II's claim is under Paimahinahina. At Kakamako are two claims. It is not known whether that claim is valid. There is one *pali wauke*, and two sweet potato plantings. That is all that is suitable for cultivation at this place." As stated earlier, it was noted that 5511B was not awarded.

In addition to the above-referenced LCA within the present project area, a Royal Patent was granted to the present project area, as a separate transaction. This Royal Patent was granted to the same owner as LCA 5511: E. Kamaha, in 1856. The Royal Patent was awarded to Kamaha at the same time that the remainder of the Keali'inui Ahupua'a was awarded by way of Royal Patent to Lewis H. Anthon, under Grant 2182.

The terms of RP 2912 transferred a section of the *'ili* of Kaluaoaoa to the claimant "Kamaha" using a more scientific method other than the original "metes and bounds" property description used in 1848. It improved both the method by which the property was originally described in 1848, as well as the provision that ownership in the property had, "now been vested as Fee Simple". The confirmation of this *kuleana* patent stated that Kamaha's heirs and assigns would thus be able to inherit the property upon the demise of Kamaha.

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

RECEIVED
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BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
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HISTORIC PRESERVATION
KAOHOLAWE ISLAND RESERVE COMMISSION
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813
TEL (808) 587-0166 FAX (808) 587-0160

February 28, 2008

Memorandum

TO: Dawn Hegger, OCCL
FROM: Doris Moana Rowland, NAH Abstractor *DMR*
THROUGH: Curt Cottrell, NAH Program Manager *CJC*
SUBJECT: Translation of Land Commission Award Number 5511 issued to Kamaha

The subject document has been translated from the Hawaiian language to English pursuant to your request. A copy of the Hawaiian text is attached for your files.

Translation

Land Commission Award Number 5511 issued to KAMAHA at Hamakualoa, Maui

Ili of Kaluaoaoa Ahupuaa of Kealii. Starting at the North corner of this, South 4 $\frac{3}{4}$ °, East 830 chains along the stream/gulch, South 81 $\frac{1}{2}$ ° East 810 chains along the stream/gulch, South 28° West 383 chains along the stream/gulch, South 5° West 671 chains along the stream/gulch, North 33° East 786 chains along the cliff, North 8 $\frac{3}{4}$ ° East 390 chains along the cliff, North 41 $\frac{1}{2}$ ° West 840 chains along the cliff, North 40 $\frac{1}{4}$ ° West 309 chains along the cliff, North 71 $\frac{3}{4}$ ° West 610 chains along the cliff until the initial point containing an area of 9 95/100 acres.

Wailuku, September 6, 1852

(Signed)

John S. Gower
Surveyor

Paid in full
Signed by the Land Commissioners

See sketch on copy.

EXHIBIT 7

Wm. Pau Lee P 11

W. L. Lee

G. M. Robertson

J. Kaulahau

J. H. Smith

Concluded 22 Oct 1852

Vol 55 11 Kamaha

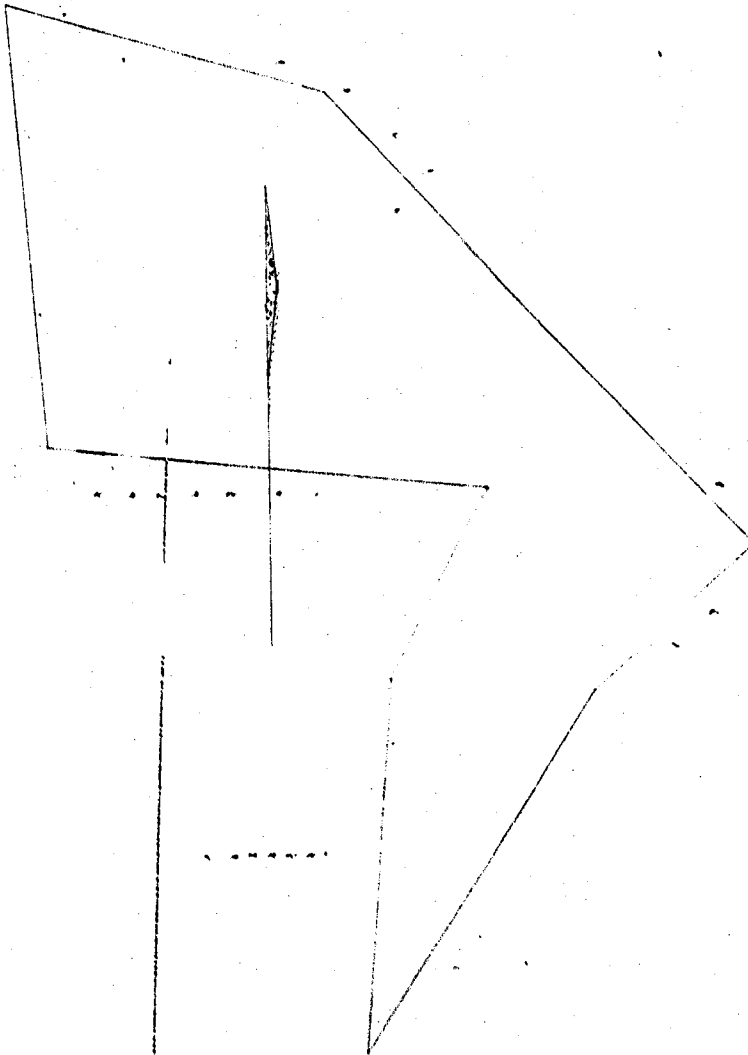
Kamamahala Maui

Hi Kuluwawa Ahupua Kaula; Chumata ke ana ma ka Pahi. Ahau. Kila,
Nema 4 1/2; Ahikina 830 Kaulahau ma Kahawai; Nema 8 1/2; Ahikina 810 Kaulahau ma
Kahawai; Nema 28; Komoana 383 Kaulahau ma Kahawai; Nema 5; Komoana 671
Kaulahau ma Kahawai; Ahau 33; Ahikina 186 Kaulahau ma ka Pali; Ahau 5 1/2;
Ahikina 390 Kaulahau ma ka Pali; Ahau 11 1/2; Komoana 840 Kaulahau ma ka
Pali; Ahau 10 1/2; Komoana 309 Kaulahau ma ka Pali; Ahau 11 1/2; Komoana 610
Kaulahau ma ka Pali; a hiki ma ka Pahi. Kamata: a maloko ma Anapuni; 2 1/2 mi Eka,

Wailuku Sept. 6, 1852

J. H. Smith

Maui ana aia



Al. 2. 1. 1

Wm. Pau Lee P 11

W. L. Lee

G. M. Robertson

J. Kaulahau

J. H. Smith

Concluded 22 Oct 1852

